

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

OPEN TEXT CORPORATION,
CARBONITE, INC.,

Plaintiffs,

v.

ALFRESCO SOFTWARE, LTD.,
ALFRESCO SOFTWARE, INC.,
ALFRESCO SOFTWARE AMERICA, INC.,
BLUE FISH DEVELOPMENT GROUP, LTD.,

Defendants.

C.A. No.: 6:20-cv-00941-ADA
Jury Trial Demanded

**DEFENDANT ALFRESCO SOFTWARE LIMITED'S MOTION TO WITHDRAW ITS
RENEWED MOTION TO TRANSFER FOR IMPROPER VENUE AND MOTION TO
TRANSFER UNDER § 1404(a)**

Defendant Alfresco Software Limited, Ltd., (“Alfresco”) files this motion to withdraw its Renewed Motion to Transfer for Improper Venue (Dkt. 49) and its Motion to Transfer Under § 1404(a) (Dkt. 41), without prejudice to re-filing. This withdrawal is based on the changed venue facts and circumstances resulting from Plaintiff’s recent dismissal of Alfresco Software, Inc. and Alfresco Software America, Inc. and Plaintiff’s attempt to add Seilevel Partners L.P. (“Seilevel”) as a defendant in this case. Accordingly, this withdrawal is made without prejudice to Alfresco’s right to file a new motion to transfer venue given these changed circumstances and new venue facts. Alfresco attempted to reach agreement with Plaintiff on a schedule for taking these facts into account as part of the currently-pending motion to transfer (*see* Dkt. 72, Opposed Motion for Briefing Schedule), but Plaintiff would not agree to a modification to the current briefing schedule. Alfresco also requested a two week courtesy extension on the current reply deadline to allow the Court additional time to consider and rule on the Motion for Briefing Schedule, but Plaintiff would only agree to a one week extension to the reply. Because of the Court’s current trial schedule, Alfresco does not believe that a one week extension will allow the Court sufficient time to consider and rule on the Motion to Modify the Briefing Schedule, and the parties are likely to be in this exact position in a week. Further, Plaintiff does not oppose the motion.

Accordingly, Alfresco requests to withdraw its Motion to Transfer for Improper Venue (Dkt. 49) and its Motion to Transfer Under § 1404(a) (Dkt. 41) without prejudice to its right and intention to file a new motion to transfer venue that takes into account any new operative allegations, facts, and circumstances in this case.

Dated: April 5, 2021

Respectfully submitted,

/s/ Jonathan M. Watkins w/permission Claire Henry

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Counsel for Defendants Alfresco Software, Ltd., Alfresco Software, Inc., and Alfresco Software Americas, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on April 5, 2021 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Claire Henry